

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

RECEIVED

MAR 18 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Revision of Part 22 and Part 90 of the
Commission's Rules to Facilitate Future
Development of Paging Systems

Implementation of Section 309(j)
of the Communications Act --
Competitive Bidding

)
)
) WT Docket No. 96-18
)
)
)

) PP Docket No. 93-253
)
)

DOCKET FILE COPY ORIGINAL

COMMENTS OF PAGEAMERICA GROUP, INC.

PAGEAMERICA GROUP, INC.

James F. Rogers
Marsha Y. Reeves
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004-2505
(202) 637-2200

No. of Copies rec'd
List ABCDE

023

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

In the Matter of)	
)	
Revision of Part 22 and Part 90 of the)	WT Docket No. 96-18
Commission's Rules to Facilitate Future)	
Development of Paging Systems)	
)	
Implementation of Section 309(j))	PP Docket No. 93-253
of the Communications Act --)	
Competitive Bidding)	

COMMENTS OF PAGEAMERICA GROUP, INC.

PageAmerica Group, Inc. submits these comments with respect to both the revisions of the Commission's rules regarding the definition of the service area and interference contours for paging systems.^{1/} The *Notice* proposes a new method of calculating the interference protection to which 929 and 931 MHz band licensees are entitled which will reduce significantly the interference protection to incumbents. *Notice* at ¶ 52.

Under current rules, the size of the fixed service area and the interference contour for 931 MHz licensees is dictated by the station class set forth in Rule Section 22.502. This typically results in a minimum mileage separation between co-channel stations of 70 miles. When exclusivity was adopted for 929 MHz, similar protections were created resulting in a 70 mile required separation for most 929 MHz stations.

The formulae set forth in paragraph 52 for calculating the service area and interference contours significantly reduce the present 70 mile minimum separation. While the

1. *Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, Notice of Proposed Rulemaking, FCC 96-52, released February 9, 1996 ("Notice").*

Notice states that stations operating at an antenna height above average terrain (HAAT) of 1000 feet with an effective radiated power of 1000 watts will have a protected service area of approximately 20 miles "which is consistent with the service radius afforded under [the] current rules," where a station operates at a lesser power or antenna HAAT, as is the case for many smaller systems, protection is significantly circumscribed. *Notice* at ¶ 52. For example, a station operating at an antenna HAAT of 100 feet with an effective radiated power of 1000 watts will have a protected service area of only 4.9 miles. See Comments of the Paging Coalition on Interim Paging and Licensing Procedures, filed March 1, 1996 at p.15. The corresponding interference contour is reduced from 50 miles to 20.9 miles.^{2/} Id. These changes will diminish the value of licenses currently held for stations operating at less than full power or antenna HAAT, in turn, affecting the ability of the licensees of these stations to raise capital and support or expand their existing customer bases.

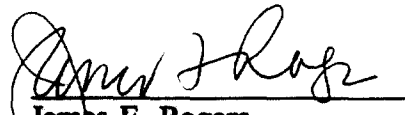
The protections offered to incumbents under the proposed rulemaking are particularly lacking in light of the Commission's history over the last several years of not processing potentially mutually exclusive applications. As a result of this policy, many operators did not file applications for licenses in major cities merely to have them remain of file without being processed for an indefinite period of time. It is unfair to those operators who chose not to file applications that would simply increase the Commission's backlog for the Commission now to freeze new applications while processing the backlog of applications that have remained pending, in many cases, since 1990.

-
2. Moreover, the fill in rights proposed in the *Notice* are based on these new interference contours. *Notice* at ¶ 140. Therefore, the modifications and expansions incumbents operating at less than full power or antenna HAAT may make during the interim period are greatly reduced.

At the very least, the Commission should offer incumbents the ability to file applications for facilities within the interference contours and service areas, as defined by the current rules, covered by their existing transmitters and to modify or expand their systems to the extent that such applications are not faced with mutually exclusive applications for an interim period of at least one year. Such an interim policy will allow for the expansion or modification of current facilities such that an incumbent is sufficiently protected and allowed to respond to growing or changing consumer needs while still allowing for the auction of unused frequency.

In conclusion, PageAmerica respectfully urges the Commission to retain its current approach to defining the service area and interference contours in the 931 MHz and 92 MHz bands. In all events, the Commission must act now to rescind its broad freeze on processing paging applications, which harms consumers and hampers the industry at the very moment it must prepare to face new competitive challenges.

Respectfully submitted,



James F. Rogers
Marsha Y. Reeves
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004-2505
(202) 637-2200

Dated: March 18, 1996